

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02143-RDM**

BLUMENTHAL et al v. U.S. NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION et al
Assigned to: Judge Randolph D. Moss

Case: 1:18-cv-02150-ABJ

Cause: 05:552 Freedom of Information Act

Date Filed: 09/17/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

RICHARD BLUMENTHAL

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5241
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-3918
Fax: (202) 871-6523
Email: katherine.anthony@americanoversight.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth France
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-2465
Fax: (202) 871-6523
Email: beth.france@americanoversight.org
ATTORNEY TO BE NOTICED

Plaintiff

PATRICK LEAHY

represented by **Austin Ridgely Evers**
(See above for address)
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth France
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

SHELDON WHITEHOUSE

represented by **Austin Ridgely Evers**
(See above for address)
ATTORNEY TO BE NOTICED

Elizabeth France
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

MAZIE K. HIRONO

represented by **Austin Ridgely Evers**
(See above for address)
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth France
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CORY A. BOOKER

represented by **Austin Ridgely Evers**
(See above for address)
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth France
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

KAMALA D. HARRIS
Members of the United States Senate
Committee on the Judiciary

represented by **Austin Ridgely Evers**
(See above for address)
ATTORNEY TO BE NOTICED

Katherine Marie Anthony
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth France
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION**

represented by **Elizabeth J. Shapiro**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 514-5302
Fax: (202) 616-8470
Email: Elizabeth.Shapiro@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch
 1100 L Street, NW
 Washington, DC 20530
 (202) 305-8576
 Fax: (202) 616-8470
 Email: stephen.pezzi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary Daniel Feldon
 UNITED STATES DEPARTMENT OF JUSTICE
 Civil Division, Federal Programs Branch
 1100 L Street NW
 Room 11104
 Washington, DC 20005
 (202) 514-4686
 Fax: (202) 616-8460
 Email: Gary.D.Feldon@usdoj.gov
ATTORNEY TO BE NOTICED

Defendant

**U.S. CENTRAL INTELLIGENCE
 AGENCY**

represented by **Elizabeth J. Shapiro**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary Daniel Feldon
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Stephen M. Pezzi**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary Daniel Feldon
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/17/2018	<u>1</u>	COMPLAINT against U.S. CENTRAL INTELLIGENCE AGENCY, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Filing fee \$ 400 receipt number 0090-5691013) filed by KAMALA D. HARRIS, MAZIE K. HIRONO, RICHARD BLUMENTHAL, SHELDON WHITEHOUSE, PATRICK LEAHY, CORY A. BOOKER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons U.S. Attorney, # <u>3</u> Summons Attorney General, # <u>4</u> Summons U.S. National Archives and Records Administration, # <u>5</u> Summons U.S. Central Intelligence Agency, # <u>6</u> Exhibit A, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C)(France, Elizabeth) (Entered: 09/17/2018)
09/17/2018	<u>2</u>	WITHDRAWN ON THE RECORD ON 10/19/2018.....MOTION for Temporary Restraining Order , MOTION for Preliminary Injunction by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Sam Simon, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5)(France, Elizabeth). Modified on 10/19/2018

		(kt). (Entered: 09/17/2018)
09/18/2018		Case Assigned to Judge Randolph D. Moss. (zrdj) (Entered: 09/18/2018)
09/18/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. CENTRAL INTELLIGENCE AGENCY, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 09/18/2018)
09/18/2018	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the Court's Standing Order. See document for details. Signed by Judge Randolph D. Moss on 9/18/2018. (lcrdm1,) (Entered: 09/18/2018)
09/18/2018	<u>5</u>	NOTICE of Appearance by Stephen M. Pezzi on behalf of U.S. CENTRAL INTELLIGENCE AGENCY, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Pezzi, Stephen) (Entered: 09/18/2018)
09/18/2018	<u>6</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 09/18/2018)
09/18/2018		MINUTE ORDER: It is hereby ORDERED that counsel for Plaintiffs shall meet and confer with counsel for Defendants regarding their availability for a prompt status conference before the Court, and shall jointly contact the Courtroom Deputy to schedule a status conference. Signed by Judge Randolph D. Moss on 9/18/2018. (lcrdm2,) (Entered: 09/18/2018)
09/18/2018	<u>7</u>	NOTICE of Appearance by Austin Ridgely Evers on behalf of RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE (Evers, Austin) (Main Document 7 replaced on 9/19/2018) (znmw). (Entered: 09/18/2018)
09/18/2018		NOTICE of Hearing: Status Conference set for 9/21/2018, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 09/18/2018)
09/20/2018	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Katherine M. Anthony, :Firm– American Oversight, :Address– 1030 15th St. NW, B255, Washington, DC 20005. Phone No. – (202) 897–3918. Fax No. – (202) 871–6523 Filing fee \$ 100, receipt number 0090–5699110. Fee Status: Fee Paid. by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE (Evers, Austin) (Entered: 09/20/2018)
09/20/2018	<u>9</u>	AMENDED COMPLAINT against U.S. CENTRAL INTELLIGENCE AGENCY, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE filed by KAMALA D. HARRIS, MAZIE K. HIRONO, RICHARD BLUMENTHAL, SHELDON WHITEHOUSE, PATRICK LEAHY, CORY A. BOOKER. (Attachments: # <u>1</u> Summons U.S. District Attorney, # <u>2</u> Summons U.S. Attorney General, # <u>3</u> Summons U.S. Department of Justice, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E)(Evers, Austin) (Entered: 09/21/2018)
09/21/2018	<u>10</u>	WITHDRAWN ON THE RECORD ON 10/19/2018..... MOTION for Temporary Restraining Order , MOTION for Preliminary Injunction by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Sam Simon, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4)(Evers, Austin) Modified on 10/19/2018 (kt). (Entered: 09/21/2018)
09/21/2018	<u>11</u>	NOTICE of Filing of Amended Complaint Redline Comparison by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE re <u>9</u> Amended Complaint, (Attachments: # <u>1</u> Attachment: Amended Complaint Redline Comparison)(Evers, Austin) (Entered: 09/21/2018)
09/21/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/21/2018. Joint Status Report due by 2:00 p.m., on 9/28/2018. (Court Reporter: Jeff Hook.) (kt) (Entered: 09/21/2018)

09/24/2018	<u>12</u>	<p>TRANSCRIPT OF PROCEEDINGS before Judge Randolph D. Moss held on September 21, 2018. Page Numbers: 1 – 34. Date of Issuance: September 24, 2018. Court Reporter: Jeff Hook. Contact Information: 202–354–3373 / jeff_hook@dcd.uscourts.gov. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 10/15/2018. Redacted Transcript Deadline set for 10/25/2018. Release of Transcript Restriction set for 12/23/2018.(Hook, Jeff) (Entered: 09/24/2018)</p>
09/25/2018		<p>MINUTE ORDER: Upon consideration of the Motion for Leave to Appear Pro Hac Vice <u>8</u> , it is hereby ORDERED that the motion is GRANTED. Katherine M. Anthony may appear pro hac vice in this case. Signed by Judge Randolph D. Moss on 9/25/2018. (lcrdm2,) (Entered: 09/25/2018)</p>
09/26/2018	<u>13</u>	<p>SUMMONS (1) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE. (ztd) (Entered: 09/26/2018)</p>
09/28/2018	<u>14</u>	<p>Joint STATUS REPORT by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Pezzi, Stephen) (Entered: 09/28/2018)</p>
09/28/2018		<p>MINUTE ORDER: In light of the parties' joint status report, Dkt. <u>14</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before 2:00 p.m. October 5, 2018. Signed by Judge Randolph D. Moss on 9/28/2018. (lcrdm2,) (Entered: 09/28/2018)</p>
09/28/2018		<p>Set/Reset Deadlines: Joint Status Report due by 2:00 p.m. on 10/5/2018. (kt) (Entered: 09/28/2018)</p>
10/01/2018	<u>15</u>	<p>NOTICE of Change of Address by Stephen M. Pezzi (Pezzi, Stephen) (Entered: 10/01/2018)</p>
10/05/2018	<u>16</u>	<p>Joint STATUS REPORT by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE. (France, Elizabeth) (Entered: 10/05/2018)</p>
10/05/2018		<p>MINUTE ORDER: In light of the parties' joint status report, Dkt. <u>16</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before 5:00 p.m. October 10, 2018. Signed by Judge Randolph D. Moss on 10/5/2018. (lcrdm2,) (Entered: 10/05/2018)</p>
10/05/2018		<p>Set/Reset Deadlines: Joint Status Report due by 10/10/2018. (kt) (Entered: 10/05/2018)</p>
10/10/2018	<u>17</u>	<p>Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Pezzi, Stephen) (Entered: 10/10/2018)</p>
10/10/2018		<p>MINUTE ORDER: Upon consideration of the parties' joint motion for an extension of time to file, Dkt. <u>17</u> , it is hereby ORDERED that the motion is GRANTED. The parties shall file a joint status report on or before Friday, October 12 at 5:00 p.m. Signed by Judge Randolph D. Moss on 10/10/2018. (lcrdm2,) (Entered: 10/10/2018)</p>

10/10/2018		Set/Reset Deadlines: Joint Status Report due by 10/12/2018, at 5:00 p.m. (kt) (Entered: 10/10/2018)
10/11/2018	<u>18</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/18/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/18/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/19/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CENTRAL INTELLIGENCE AGENCY SERVICE WAIVED on 9/24/2018; U.S. DEPARTMENT OF JUSTICE served on 10/4/2018; U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION served on 9/18/2018 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(France, Elizabeth) Modified to edit that service was waive for CIA on 10/12/2018 (ztd). (Entered: 10/11/2018)
10/12/2018	<u>19</u>	Joint STATUS REPORT by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Government's Exhibits)(Pezzi, Stephen) (Entered: 10/12/2018)
10/12/2018	<u>20</u>	NOTICE by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE re <u>19</u> Status Report (France, Elizabeth) (Entered: 10/12/2018)
10/12/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. <u>19</u> , it is hereby ORDERED that the parties shall appear for a status conference on October 19, 2018 at 2:45 p.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 10/12/2018. (lcrdm2,) (Entered: 10/12/2018)
10/15/2018		Set/Reset Hearing: Status Conference set for 10/19/2018, at 2:45 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) Modified on 10/15/2018 to correct typo (kt). (Entered: 10/15/2018)
10/15/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. <u>19</u> , it is hereby ORDERED that NARA will process the top–priority records agreed upon by the parties and issue any required Presidential Records Act notices regarding those records by October 31, 2018. Signed by Judge Randolph D. Moss on 10/15/2018. (lcrdm2,) (Entered: 10/15/2018)
10/15/2018		Set/Reset Deadlines: NARA will process the top–priority records agreed upon by the parties and issue any required Presidential Records Act notices regarding those records by 10/31/2018. (kt) (Entered: 10/15/2018)
10/18/2018	<u>21</u>	ANSWER to <u>2</u> Amended Complaint, by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.(Pezzi, Stephen) (Entered: 10/18/2018)
10/19/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/19/2018. The criminal division shall complete processing, as specified on the record, by 11/30/2018. Plaintiffs WITHDRAW their <u>2</u> and <u>10</u> Motions for Temporary Restraining Order and Preliminary Injunction. A further Status Conference is set for 11/2/2018, at 10:00 AM, in Courtroom 21 before, Judge Randolph D. Moss. (Court Reporter Jeff Hook.) (kt) Modified on 10/19/2018 to include the motion at dkt. <u>2</u> (kt). (Entered: 10/19/2018)
10/30/2018	<u>22</u>	NOTICE of Appearance by Gary Daniel Feldon on behalf of All Defendants (Feldon, Gary) (Entered: 10/30/2018)
10/31/2018	<u>23</u>	TRANSCRIPT OF PROCEEDINGS before Judge Randolph D. Moss held on October 19, 2018. Page Numbers: 1 – 33. Date of Issuance: October 31, 2018. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter reference d above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.

		<p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/21/2018. Redacted Transcript Deadline set for 12/1/2018. Release of Transcript Restriction set for 1/29/2019.(Hook, Jeff) (Entered: 10/31/2018)</p>
11/02/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 11/2/2018. Joint Status Report as to the OLC records due on or before 12/7/2018. Joint Status Report addressing the production rate for the criminal division due on or before 11/9/2018. Court Reporter: Bryan Wayne.) (kt) (Entered: 11/02/2018)
11/08/2018	<u>24</u>	Joint STATUS REPORT by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Feldon, Gary) (Entered: 11/08/2018)
12/07/2018	<u>25</u>	Joint STATUS REPORT by RICHARD BLUMENTHAL, CORY A. BOOKER, KAMALA D. HARRIS, MAZIE K. HIRONO, PATRICK LEAHY, SHELDON WHITEHOUSE. (France, Elizabeth) (Entered: 12/07/2018)
12/10/2018		MINUTE ORDER: In light of the parties' joint status report, Dkt. 25, it is hereby ORDERED that the parties shall file a further joint status report on or before February 15, 2019, updating the Court on the status of each of Plaintiffs' requests and proposing a schedule for further proceedings, if any. Signed by Judge Randolph D. Moss on 12/10/2018. (lcrdm2,) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Joint Status Report due by 2/15/2019. (kt) (Entered: 12/10/2018)
12/23/2018	<u>26</u>	TRANSCRIPT OF 11/2/18 STATUS HEARING, before Judge Randolph D. Moss, held on November 2, 2018. Page Numbers: 1-9. Date of Issuance: 12/23/18. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form at www.dcd.uscourts.gov . For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (PDF, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 1/13/2019. Redacted Transcript Deadline set for 1/23/2019. Release of Transcript Restriction set for 3/23/2019.(Wayne, Bryan) (Entered: 12/23/2018)
12/26/2018	<u>27</u>	MOTION to Stay <i>All Proceedings in Light of Lapse in Appropriations</i> by U.S. CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF JUSTICE, U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Pezzi, Stephen) (Entered: 12/26/2018)